

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SPECIAL CLOSED SESSION DOCKET
FOR
MONDAY, OCTOBER 4, 2004 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Temporary Rule for Noticing and Conduct of Closed Session Meetings a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. Please see the Open Session Agenda to determine when such matters may be heard.

Due to the anticipated length of the regular City Council meeting for Tuesday, October 5, 2004, the Mayor is calling a Special Closed Session meeting for Monday, October 4, 2004, in the Committee Room on the 12th Floor of the City Administration Building, 202 C Street, San Diego, California. **The Special Closed Session will commence immediately following the conclusion of the regular open session meeting that day.**

Pursuant to the new temporary Council Rule on closed sessions, the public will have the opportunity to comment on these matters during the regular open session of the City Council on Monday, October 4, 2004. The open session agenda for that day will reflect the appropriate open session item for public comment. **The Special Closed Session called pursuant to this memorandum may continue into Tuesday, October 5, 2004.**

The agenda for the Special Closed Session is the following:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

**CS-1 *Malden 2 LLC v. City of San Diego, et al.*
San Diego Superior Court No. GIC 832716**

DCA assigned: Cord

This case concerns a nearly-completed residence which was recently found to have a possible non-dangerous building code violation, correction of which might require demolition of the structure. In closed session, the City Attorney and City Manager will brief the council regarding this matter and disposition alternatives.

CS-2 *Kelly v. City of San Diego*
San Diego Superior Court No. GIC 824370

DCA assigned: Karlin

This is a complaint, which arises from a sewer back-up that damaged Plaintiff's home in Encanto. In closed session, the City Manager and City Attorney will brief the City Council on the matter and discuss a proposed settlement of the case.

CS-3 *De Anza Cove Homeowners Association, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC 821191

DCA assigned: Gleeson

This matter concerns the litigation filed by the De Anza Cove Homeowners Association against the City of San Diego seeking damages related to expiration of the prior lease and transition of the property from use as a mobile home park to park and recreational use. In closed session, the City's outside litigation counsel and the City Attorney will report on the status of the litigation, and other matters affecting the litigation.

CS-4 *Roberta Crandall, etc. v. City of San Diego, et al.*
United States District Court Case No. 02cv2124 J (POR)

DCA assigned: Castleman

This matter concerns the litigation filed by Roberta Crandall on behalf of the Estate of Gary Martin, arising from an incident in which a San Diego Police Officer used deadly force during the course of an arrest. In closed session, the City Manager and the City Attorney will report on the status of the litigation and the settlement demand made by the Plaintiff's attorney.

CS-5 *Conde v. City of San Diego et al*
San Diego Superior Court No. GIC 834467

HDCA assigned: Girard

This matter is litigation concerning the District 4 vacancy and the application of term limits to former City Council Member George Stevens. While the City prevailed on the issue of the date for the special election, the applicability of term limits to Mr. Stevens is now at issue. In closed session the City Attorney will brief the City Council on recent developments in the case.

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-6 *Mission Valley Terminal*

HDCA assigned: Devaney

This is a matter in which the City is contemplating litigation against the parties responsible for the release of petroleum products at the Mission Valley Terminal near Qualcomm Stadium. In Closed Session, the City Attorney and City Manager will advise the City Council of the status of negotiations with the responsible parties and propose a settlement with one of them.

CS-7 *Hazard Center Drive*

DCA assigned: Lanzafame

The City Attorney has been asked to evaluate the legal options available to the City of San Diego regarding the construction of the Westerly extension of Hazard Center Drive